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## **WEST VIRGINIA MAN CONVICTED OF PRODUCING, RECEIVING, AND POSSESSING CHILD PORNOGRAPHY**

WASHINGTON – A Cross Lanes, W. Va. man has been convicted of producing, receiving, and possessing child pornography, Assistant Attorney General Alice S. Fisher of the Criminal Division and U.S. Attorney Charles T. Miller of the Southern District of West Virginia announced today.

Following a five-day jury trial that began last Wednesday, David A. Hicks was found guilty on two counts of producing child pornography, two additional counts of possessing child pornography, and one count of receiving child pornography over the Internet. The trial was held in U.S. District Court in Charleston, W. Va. and U.S. District Court Judge Joseph R. Goodwin presided.

The evidence presented at trial demonstrated that Hicks, a father of two girls under the age of ten, frequently had his older daughter's friends spend the night as guests. Five of these juveniles, girls between the ages of nine and 12, testified that Hicks frequently took photos of them while they were at the home, commented on his ability to see through their clothing, walked in on them while they were changing or bathing, watched and photographed them through the blinds of the home while they were swimming in his pool, and physically touched more than one of them inappropriately. Hicks stored photos of the girls on his computer in a special archive folder, including photos of his daughter's friends either nude or partially nude. The two charges of production of child pornography were based on two photos taken in Hicks's bathtub that depicted one of the girls in a sexually suggestive position.

Evidence at trial also revealed that Hicks was a trained computer expert who maintained a computer in his bedroom that had four separate hard drives. These hard drives contained thousands of images and movies of children engaged in sexually explicit conduct. The images on these hard drives were the basis of one of the possession charges. Investigators also testified that they seized several CDs from Hicks' bedroom that contained similar images of prepubescent children engaged in sexually explicit conduct. Finally, forensic analysis of the computers and CDs revealed that Hicks searched for sexually explicit movie clips of children using a peer-to-peer file-sharing program, and then downloaded the movie clips to his computer. Hicks's use of the Internet to download movie clips containing graphic images of prepubescent children engaged in sexually explicit conduct was the basis of the receipt charge.

Sentencing is currently set for April 19, 2007. Hicks faces a minimum sentence of 15 years and up to 30 years in prison for each of the two production charges, a minimum sentence of 5 years and up to 15 years in prison for the receipt charge, and up to 10 years in prison for each of the two possession charges. The judge also approved the forfeiture of the child pornography and related computer equipment seized during the investigation.

This case was investigated by Special Agents Mike Ritzman and Jack Remaly of the FBI. The forensic analysis was conducted by Melinda Cash of the FBI's Computer Analysis Response Team. The case was prosecuted by Assistant U.S. Attorney Anna Forbes of the U.S. Attorney's Office for the Southern District of West Virginia and Trial Attorney Steve Grocki of the Child Exploitation and Obscenity Section of the Criminal Division.

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